

REMARKS

The application contains claims 1-3, 7-18, 20 and 22-26. Claims 4-6, 19 and 21 were previously canceled. By entry this amendment, claims 1, 3, 7-9, 14, 15, 17, 18, 20 and 22-26 have been amended, and claim 16 has been canceled. New claim 27 has been added. Support can be found in at least paragraph [0084] of Applicant's specification. In view of the foregoing amendments and following remarks, Applicant respectfully requests withdrawal of claim rejections, and allowance of the application.

Commonly-assigned related U.S. Patent Applications

The Applicant would like to make the Examiner aware of commonly-assigned related patent applications, U.S. Patent Application Serial Nos. 10/455,294 and 10/672,514 that are currently pending.

35 U.S.C. §112, first paragraph rejections

Claim 1 was rejected under 35 U.S.C. §112, first paragraph for allegedly failing to comply with the written description requirement because the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Applicant respectfully traverses.

The function of the written description requirement is to insure that the inventor had possession of, as of the filing date of the application relied on, the specific subject matter later claimed by him or her; how the specification accomplishes this is not material, *In re Herschler*, 591 F.2d 693, 700-01, 200 USPQ 711, 717 (CCPA 1979). To satisfy the written description requirement, a patent specification must describe in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the invention. As discussed in Applicant's previous response, Applicant respectfully submits that one of ordinary skill in the computer arts that the Applicant had possession of the invention at the time of filing.

Applicant respectfully submits what is conventional or well known, such as storing a file and recording a binary structure to memory, to one of ordinary skill in the art need not be disclosed in detail. See *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d at 1384, 231 USPQ at 94. See also *Capon v. Eshhar*, 418 F.3d 1349, 1357, 76 USPQ2d 1078, 1085 (Fed.

Cir. 2005)("The 'written description' requirement must be applied in the context of the particular invention and the state of the knowledge... As each field evolves, the balance also evolves between what is known and what is added by each inventive contribution."). Furthermore, if a skilled artisan would have understood the inventor to be in possession of the claimed invention at the time of filing, even if every nuance of the claims is not explicitly described in the specification, then the adequate description requirement is met. See, e.g., *Vas-Cath*, 935 F.2d at 1563, 19 USPQ2d at 1116; *Martin v. Johnson*, 454 F.2d 746, 751, 172 USPQ 391, 395 (CCPA 1972) (stating "the description need not be in *ipsis verbis* [i.e., "in the same words"] to be sufficient"). See MPEP §2163.

Based on the above and Applicant's previous arguments, Applicant requests withdrawal of the rejection of claim 1 under 35 U.S.C. §112, first paragraph.

35 U.S.C. §112, second paragraph rejection

On page 4 of the Office Action, claim 1 has been rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, the Office asserts that it is unclear how many files the Applicant is claiming. Applicant has amended claim 1 to address the Examiner's rejection. Based on the amendments to claim 1, Applicants request withdrawal of the rejection of claim 1 under 35 U.S.C. §112, second paragraph.

Claim Rejection under 35 U.S.C. §103(a)

Claims 1-3, 7-18, 20 and 22-26 are rejected under 35 U.S.C. §103(a), as allegedly being unpatentable over Chikirivao et al. (U.S. Pat. Pub. No. 2002/0188761) in view of Coulthard et al. (U.S. Pat. Pub. No. 2004/0003013).

Claims 1-3 and 7-14

Claim 1 recites

determining whether the first file has been updated upon a
startup of the computer application by comparing a datestamp
and a filesize.....

The Office admits that Chikirivao does not disclose the above highlighted feature. See page 6, last paragraph. In the Office Action dated July 31, 2007 at page 5, second full

paragraph, the Office stated that Coulthard does not disclose the above highlighted feature. But now in the present Office Action, the Office now asserts that Coulthard discloses the above highlighted feature in paragraphs 11 and 12. See page 6 of the present Office Action. Paragraph 11 of Coulthard merely describes file size as being essential metadata. Paragraph 12 further explains that file dates are not essential metadata, but that modification dates are immutable, i.e., unchangeable. This is not a disclosure of the above highlighted feature.

Claim 1 now recites:

- (j) **reading** the mapped binary structure by **the computer application running on the mobile device**; and
- (k) **presenting**, on the mobile device, **data associated with the second file** according to the metadata of the second file.

Neither Coulthard nor Chikirivao disclose or suggest the above highlighted features in combination with the other features recited in claim 1.

Coulthard does not overcome the deficiencies of Chikirivao. Neither Chikirivao nor Coulthard, either individually or in combination, disclose or suggest all of the features recited in claim 1. For at least the above reasons, claim 1 defines over the applied art. Claims 2, 3 and 7-14 depend from claim 1, and also define over the applied art.

Claims 15, 17, 18, 22 and 23

Claim 15 recites:

determining whether **the second file has been updated** upon a **subsequent running of the computer application** by comparing a datestamp and a filesize of the second file currently loaded on the mobile device to the stored datestamp and the stored filesize, respectively, of the first file;

For the same reason as stated above with respect to claim 1, claim 15 is allowable. Claims 17, 18, 22 and 23 depend from claim 15, and also are allowable.

Claims 20, 24 and 25

Claim 20 recites:

the mobile device loads a second file, the second file relating a plurality of objects in the computer application with records in a database and containing metadata for presenting data, onto the mobile device, the mobile device **determines whether the second file has been updated upon subsequent run of the computer application** by comparing a datestamp and a filesize of

the currently loaded second file on the mobile device to the stored datestamp and the stored filesize, respectively, of the first file;

The combination of Chikiriavo and Coulthard does not disclose or suggest the above highlighted language as discussed above with respect to claims 1 and 15. Claim 20 defines over the applied prior art. Claims 24 and 25 depend from claim 20, and also define over the applied prior art.

Claim 26

Claim 26 recites:

when the second file corresponds to the stored first binary structure, ***determining if the second file is an updated version of the stored first binary structure*** by comparing a second filesize of the second file to the first filesize and comparing a second datestamp of the second file to the first datestamp;

As discussed above with respect to claims 1 and 15, the combination of Chikiriavo and Coulthard does not disclose or suggest the above highlighted language. Claim 26 is allowable.

Claim 27

Claim 27 recites:

storing the new machine readable file and the filesize and datestamp of the human readable file on the mobile device;

launching a computer application on the mobile device that presents data according to the data description in the metadata information; and

accessing the database connected to the server using the new machine readable file and the criteria for selecting records from a database by the computer application.

These features in combination with the other features recited in claim 27 are not disclosed by the applied prior art of record. Applicant respectfully submits that claim 27 is allowable.

CONCLUSION

Applicant respectfully requests favorable consideration of the above amendments and withdrawal of the rejections in connection with this application. All claims are allowable. Allowance is solicited.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. 1.16 or 1.17 to Kenyon & Kenyon Deposit Account No. 11-0600. The Examiner is invited to contact the undersigned at (202) 220-4419 to discuss any matter concerning this application.

Respectfully submitted,

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/Martin E. Miller/

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